

17-3 *graph*

Central Intelligence Agency



Washington, D.C. 20505

27 JAN 1984

OLL 84-0235

Mr. Rod Rahe
Legislative Director for
The Honorable Stewart B. McKinney
House of Representatives
Washington, D.C. 20515

Dear Mr. Rahe:

I am pleased that you and Representative McKinney agree with me that it would be unwise to restrict the use of the polygraph by Government agencies for national security purposes. As I discussed with you previously, Representative McKinney's bill (H.R. 2403) could have the unintentional effect of creating restrictions on the Central Intelligence Agency's (CIA) Industrial Polygraph Program by penalizing companies that permit its employees to be polygraphed. To avoid such an unintentional effect, I would suggest that the bill be amended to make clear that the prohibitions on the use of the polygraph by private business entities would not cover polygraph tests administered to employees of business entities by certain federal agencies for national security purposes.

Enclosed for your consideration is draft language that could be used to amend the bill, and a sectional analysis explaining the amendment. Pursuant to this amendment, only the CIA, NSA or DOD would be permitted to conduct polygraph tests of individuals employed by private business entities, but only when those business entities are selected by CIA, NSA or DOD to perform intelligence, counterintelligence, or national security functions. I believe that you will find that this draft language is narrow enough to prevent this proposed exception to the prohibition on the use of polygraphs from being used as a legal loophole by companies who wish to continue to use the polygraph. As is stated in the sectional analysis, no business entity would be permitted or authorized by the amendment to polygraph its employees.

From my conversations with your staff subsequent to our meeting, I understand that any amendment to Representative McKinney's bill would be held in abeyance until the bill actually comes up for hearings. If the bill should come up for

hearings, your staff will notify us and the amendment would then be offered. This arrangement is satisfactory to us.

Thank you for your cooperation on this entire matter.

Sincerely,




STAT


Deputy Director, Office of Legislative Liaison

Enclosures

DISTRIBUTION:

Original - Addressee
1 - OLL Chrono
✓ 1 - LEG File: Polygraph
1 -  Signer
1 - D/OLL
1 - DD/OLL

STAT

 (25 January 1984)

STAT

Page Denied

Next 1 Page(s) In Document Denied